

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

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Chapter 11

Blitman Saratoga LLC,

Case No. 20-23177 (SHL)

Debtor.

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**DECLARATION IN SUPPORT OF MOTION TO SHORTEN TIME FOR
HEARING TO CONSIDER DEBTOR'S MOTION TO APPROVE EXIT FINANCING**

J. Ted Donovan, Esq. declares the following under penalty of perjury pursuant to 11 U.S.C. §1746:

1. I am a member of the firm of Goldberg Weprin Finkel Goldstein LLP, counsel for Blitman Saratoga LLC (the “Debtor”), and as such I am fully familiar with the facts and circumstances of this case.
2. I make this Declaration pursuant to Local Rule 9077-1 in support of the motion of the Debtor for an Order scheduling a hearing on shortened notice pursuant to Bankruptcy Rule 9006(c) to consider the Debtor’s separate motion (the “Exit Financing Motion”) pursuant to 11 U.S.C. §364(c) and (d) seeking approval of Additional Exit Financing.
3. The adjourned hearing on confirmation of the Debtor’s Second Revised Plan of Reorganization [ECF No. 190] (the “Plan”) is scheduled for October 5, 2023 at 10:00 a.m. (the “Confirmation Hearing”). A core aspect of the Plan is the approval of Exit Financing Motion authorizing the Debtor to borrow up to the total sum of \$1,683,325 from Saratoga Funding LLC (the “DIP Lender”) to fund future construction of the Remaining Homes (as defined in the Plan) so as to complete remaining infrastructure.

4. On September 15, 2023, the Estate of Howard Blitman filed an objection to Confirmation, specifically including its opposition to the proposed exit financing. The Debtor has filed the Exit Financing Motion to address head-on the issues raised by the Estate of Howard Blitman in opposing Confirmation of the Plan so the matter can be the considered based upon a complete record.

5. Pursuant to Bankruptcy Rules 4001(b)(2) and 9006, and the Local Rules of this Court, a notice period of fourteen (14) days, plus three for service by mail, is required for approval of financing. However, the Court is empowered by Bankruptcy Rule 9006(c) to conduct a hearing on shortened notice for cause shown.

6. The Debtor respectfully submits that, under the circumstances described herein, cause exists to shorten the notice period so that the Exit Financing Motion can be heard on October 5, 2023 in conjunction with Confirmation.

7. There is no prejudice since the proposed Additional Exit Financing was provided for and described in the Plan, which was served on all creditors and parties in interest on August 22, 2023, and the Estate of Howard Blitman has already had an opportunity to file papers addressing the issues.

8. The Debtor is prepared to give notice of the hearing by serving the Exit Financing Motion and all exhibits thereto, together with a copy of the Order granting this Scheduling Motion on all scheduled creditors, all creditors who filed proofs of claim, the U.S. Trustee, and all parties who filed notices of appearance and requests for service of documents with the Clerk of the Court by email where known, and otherwise by overnight delivery. It is respectfully submitted that this notice is sufficient under the circumstances.

WHEREFORE, the Debtor respectfully request the entry of an Order consistent with the foregoing, and granting such other and further relief as is just and proper.

Dated: New York, NY
September 22, 2023

/s/ J. Ted Donovan